

MEMORANDUM OF UNDERSTANDING
BETWEEN THE
DEPARTMENT OF HEALTH SERVICES
AND THE
DEPARTMENT OF PESTICIDE REGULATION
AND THE
COUNTY AGRICULTURAL COMMISSIONERS
FOR THE PROTECTION OF HUMAN HEALTH FROM THE
ADVERSE EFFECTS OF PESTICIDES

INTRODUCTION

The Department of Health Services (DHS) within the Health and Welfare Agency of the State of California, the Department of Pesticide Regulation (DPR) within the California Environmental Protection Agency, and the County Agricultural Commissioners (CAC) have responsibilities relating to the protection of human health from the potentially adverse effects of pesticides. The citizens of California will benefit from a unified and cooperative program to address problems of human health related to vector-borne disease and the use of pesticides.

The purpose of this Memorandum of Understanding (MOU) is to assure that the signatory parties exercise their respective authorities for protection of the public health, in a coordinated and cohesive manner, eliminating unnecessary overlap of activities or duplication of effort, and providing a consistent and protective public health stance.

SCOPE

This MOU establishes principles of agreement regarding activities of the signatory parties, identifies primary areas of responsibility and authority among them, and provides methods necessary to assure ongoing coordination of activities relative to such purposes. The MOU also describes how the signatory parties will work in cooperation to achieve the goals of their respective agencies.

PRINCIPLES OF AGREEMENT

I. VECTOR CONTROL

In order to assure that pesticides registered for use in California are used in a manner that does not pose a threat to human health while recognizing the necessity of vector control, DHS, DPR and CAC mutually agree to comply with the following specific agreements concerning public health vector control and applicator certification:

A. Public Health Vector Control

1. DHS agrees:
 - a. To require that agencies which establish cooperative agreements with DHS, pursuant to Health and Safety Code Section 2426, seek the assistance of CAC in the interpretation of pesticide labeling.
 - b. That the legal requirements associated with the use of pesticide materials are in no way altered by provisions of this MOU.
 - c. To provide DPR with an updated list of agencies on an annual basis which establish cooperative agreements with DHS, pursuant to Health and Safety Code Section 2426.
2. DPR agrees:
 - a. To provide assistance to CAC in interpretation of pesticide labeling if requested.
 - b. To forward annually to DHS a copy of the monthly pesticide use reports, in electronic format, received from agencies which establish cooperative agreements with DHS, pursuant to Health and Safety Code Section 2426.
 - c. To consider the needs of public health vector control in regulations development and amendment.
3. CAC agrees:
 - a. To receive monthly pesticide use reports from agencies which establish cooperative agreements with DHS, pursuant to Health and Safety Code Section 2426.
 - b. To conduct routine inspections, at the discretion of CAC, pursuant to California Code of Regulations, Title 3, Section 6140.
4. DHS and DPR agree to work cooperatively with persons who have registered, or who wish to register, pesticides with DPR in developing pesticide labeling that meets the needs of public health vector control programs.
5. DHS, DPR, and CAC agree to cooperate in achieving compliance with the legal requirements relating to pesticide use by agencies which establish cooperative agreements with DHS, pursuant to Health and Safety Code Section 2426.

B. Applicator Certification

1. DPR delegates to DHS the responsibility for training, examination, certification, and continuing education of employees of governmental agencies who use or supervise the use of pesticides in public health programs for the management and control of vectors.
2. DHS agrees to develop training, examination and certification programs, and materials in a manner which will ensure that federal and state standards and schedules are met. All such programs and materials are subject to review and approval by DPR.

II. EPISODE REFERRAL

- A. When any conspicuous or suspected adverse effects upon humans, domestic animals and other nontarget organisms, or property episodes involve an agency which has established a cooperative agreement with DHS, pursuant to Health and Safety Code Section 2426, the agency will notify the CAC of the episode.
- B. When the CAC learns of an episode or violation involving an agency which has established a cooperative agreement with DHS, pursuant to Health and Safety Code Section 2426, the episode will be reported to DPR.
- C. When DPR learns from any source of an episode or violation involving an agency which has established a cooperative agreement with DHS, the episode will be reported to the appropriate CAC and to DHS.
- D. When any conspicuous or suspected adverse effects upon humans, domestic animals, and other nontarget organisms; or property episodes; or suspected violations come to the attention of DHS, the episode will be reported to DPR.

III. IMPLEMENTATION PLAN

DHS, DPR, and CAC agree to develop an implementation plan which will describe in detail the procedures necessary to implement this MOU and make specific the respective roles of the signatory parties. The goal is to accomplish this implementation plan within six months from the date this MOU is approved by all signatory parties.

IV. FUNDING

Establishment of this MOU does not commit any interagency funding among signatory parties. In the event funds become available from any source which could involve utilization among signatory parties, a separate MOU or an agreement may be prepared.

V. EFFECTIVE DATE

This MOU shall become effective upon the date of the last signature and shall continue in effect until modified by the mutual consent of all signatory parties or until terminated by any signatory party upon a 30-day advance written notice to the other signatory parties. Notices concerning this MOU shall be sent to the signatory parties as follows:

For DHS:

Chief, Vector-Borne Disease Section
Department of Health Services
601 N. 7th Street M/S 486
Sacramento, California 95814

For DPR:

Chief, Pesticide Enforcement Branch
Department of Pesticide Regulation
1020 N Street, Room 300
Sacramento, California 95814-5624

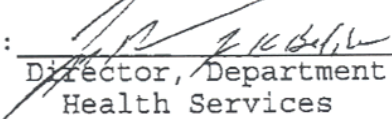
For CAC:

President
California Agricultural Commissioners
and Sealers Association
c/o Department of Pesticide Regulation
1020 N Street, Room 300
Sacramento, California 95814-5624

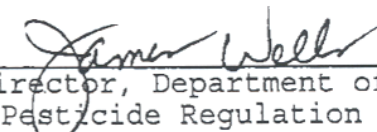
VI. DISPUTE AND CONFLICT RESOLUTION

It is the desire of all signatory parties to establish a quick, efficient, and informal method for the resolution of interparty conflicts. Conflicts that cannot otherwise be informally resolved will be referred to the Director of DHS, the Director of DPR, and the President of the California Agricultural Commissioners and Sealers Association.

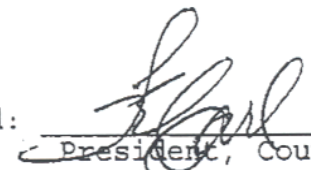
FOR THE DEPARTMENT OF HEALTH SERVICES

Date: 8/15/95 Approved: 
Director, Department of
Health Services

FOR THE DEPARTMENT OF PESTICIDE REGULATION

Date: 6/28/95 Approved: 
Director, Department of
Pesticide Regulation

FOR THE CALIFORNIA AGRICULTURAL COMMISSIONERS AND SEALERS
ASSOCIATION

Date: 7/11/95 Approved: 
President, County
Agricultural Commissioners
and Sealers Association